

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANSELM CADDELL, et al.	:	
	:	
Plaintiffs,	:	Case No. 1:19-cv-091
	:	
vs.	:	JUDGE COLE
	:	
JOYCE CAMPBELL, et al.,	:	MAG. JUDGE BOWMAN
	:	
	:	ORAL ARGUMENT REQUESTED
	:	
Defendants.	:	
	:	

MOTION OF DEFENDANT BUTLER COUNTY SHERIFF RICHARD JONES
FOR JUDGMENT ON THE PLEADINGS AS TO PLAINTIFFS'
SECOND AMENDED COMPLAINT

Defendant Butler County Sheriff Richard Jones moves this Court for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c). Defendant Jones and Butler County did not arrest either of the Plaintiffs and cannot be held liable for claims that only apply to arresting officers/agencies. See *Leschorn v. Fitzgerald*, 6th Cir. No. 97-3421, 1998 U.S. App. LEXIS 2034. Defendant Jones incorporates the same arguments set forth in his prior Motion for Judgment on the Pleadings (ECF No. 16) and associated filings, renewing that Motion as to the original Plaintiff Anselm Caddell and asserting the same arguments as to the newly added Plaintiff Caleb Lawson. As set forth in those filings, the claims of both Plaintiffs should be dismissed for purely legal reasons that should be decided on the pleadings.

A Memorandum in Support is attached.

Respectfully submitted,

/s/ Aaron M. Glasgow

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MEMORANDUM IN SUPPORT

On July 23, 2020, Plaintiffs filed their Second Amended Complaint. (ECF No. 45). The Second Amended Complaint “adds Caleb Lawson as a Plaintiff but makes no other substantive changes” from the First Amended Complaint. (ECF No. 45 at PageID 320).

Sheriff Jones previously filed a Motion for Judgment on the Pleading as to Plaintiff's Amended Complaint addressing only the claims of Plaintiff Anselm Caddell. (ECF No. 16). In that motion, Sheriff Jones raised purely legal issues as to duty and proximate cause. Sheriff Jones' Motion was fully briefed, the Magistrate Judge issued a Report and Recommendation regarding

the Motion (ECF No. 29), Sheriff Jones filed an Objection to the Report and Recommendation (ECF No. 32), and those Objections are fully briefed and pending before this Court.

In light of the filing of the Second Amended Complaint and the addition of Caleb Lawson as a Plaintiff in this matter, Sheriff Jones files this Motion for Judgment on the Pleadings as to Plaintiffs' Second Amended Complaint and incorporates all arguments set forth in his prior Motion for Judgment on the Pleadings (ECF No. 16) and his Objections to the Magistrate's Report and Recommendation (ECF No. 32). As with Mr. Caddell, Mr. Lawson alleges he was detained longer than 48 hours without an appearance before a judicial officer, resulting in the deprivation of his Constitutional rights. (ECF No. 45). All arguments presented in support of the dismissal of Mr. Caddell's claims against Sheriff Jones apply equally to the claims asserted by Mr. Lawson against Sheriff Jones and are incorporated as if fully restated herein.

CONCLUSION

For the reasons set forth in the incorporated pleadings, Sheriff Jones respectfully requests that this Court dismiss the claims of Mr. Caddell and Mr. Lawson. Because their individual claims against Sheriff Jones are futile, the class action claims based on their individual claims are also futile as to Sheriff Jones and should be dismissed as well.

Oral argument on the motion and objections is respectfully requested.

Respectfully submitted,

/s/ Aaron M. Glasgow

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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2020, a copy of the foregoing Answer, was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Aaron M. Glasgow

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